



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

ONE ASHBURTON PLACE, ROOM 1007  
BOSTON, MASSACHUSETTS 02108

(617) 727-8352

(800) 462-OCPPF

MARY F. MCTIGUE  
DIRECTOR

March 8, 1990  
AO-90-08

James C. Flaherty  
Director of Libraries  
Framingham Public Library  
49 Lexington Street  
Framingham, MA 01701

Dear Mr. Flaherty:

This letter is in response to your request for an advisory opinion.

You have stated that there have been discussions about the possibilities of an override to Proposition 2 1/2 appearing on the ballot in Framingham, although the Selectmen have not yet made a determination to place a question or questions on the ballot. Certain materials have been prepared, at private expense, to inform the citizens of Framingham about the Library's budget and about the need for an override if the proposed budget is cut. Included in the materials is a petition urging the Finance Committee and Town Meeting to provide a certain level of funding for the Library in this year's budget. The petition also urges the Board of Selectmen to place an override question on the ballot if the level of funding is not maintained.

You propose to make these materials available to the public in the Library, which is a town-owned building. Your staff has been instructed that they may respond to questions raised by Library patrons about the budget situation, but that they may not, during working hours, solicit patrons to sign the petition or to write letters.

Section 1 of M.G.L. c.55 defines a contribution, in part, as "a contribution of money or anything of value . . . for the purpose of promoting or opposing a charter change, referendum question, constitutional amendment, or other question submitted to the voters . . ."

It is the opinion of this office that "questions submitted to the voters" must appear on the ballot in order for the provisions of M.G.L. c.55 to apply. Actions petitioning a town's board of selectmen to place a question on the ballot would therefore not fall within the provisions of M.G.L. c.55. Consequently, any of the budgetary

James C. Flaherty  
March 8, 1990  
Page 2

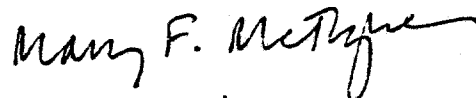
materials or the petition described by you which is made available at the library would not be subject to the provisions of M.G.L. c.55.

We would caution you on a similar use of Library resources if and when an override question is approved for the ballot. Such use of resources would be prohibited under M.G.L. c.55.

This opinion is based solely on the representations in your letter and has been rendered solely in the context of M.G.L. c.55.

Should you have additional questions, please do not hesitate to contact this office.

Very truly yours,



Mary F. McTigue  
Director

MFM/wp